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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,510	12/18/2003	Frederick W. Ryan JR.	F-775	1509
919 7590 07/23/2007 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER JABR, FADEY S	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/707,510	RYAN ET AL.	
	Examiner	Art Unit	
	Fadey S. Jabr	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/21/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 2 and 13 have been cancelled. Claims 1, 16 and 17 have been amended. Claims 1, 3-12 and 14-22 are now pending and are presented for examination.

Response to Arguments

1. Applicant's amendment filed 21 May 2007 with respect to claim 1 under 35 U.S.C. 112, second paragraph, have been fully considered and are therefore withdrawn.
2. Applicant's amendment filed 21 May 2007 with respect to claim 1 under 35 U.S.C. 101 have been fully considered and are therefore withdrawn.
3. Applicant argues (with respect to claims 1 and 21) that Gullo fails to teach or suggest monitoring after processing the refund. However, Examiner notes that Montgomery, Pub. No. US2003/0101147 A1 teaches the postal authority enters the refunded postage transaction into the master tracking computer system, where the delivery status can be checked for six more months...the refunded postage polling module periodically polls the tracking information database to determine if a mail piece associated with any refunded postage transaction has been delivered (0188). Thus, Montgomery teaches monitoring after processing the refund.
4. Applicant argues (with respect to claim 6) that Gullo fails to suggest or imply performing another determination for a single refund event. However, Examiner notes that Gullo discloses queuing the request for a designated period, for example, seven days, to check for scan events (0019-0020). Therefore, Gullo suggests that over a period of time the transaction is queued in the system more than once by checking more than one scan event to determine if the transaction

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has been processed within the system. Thus, Gullo suggests performing another determination for a single refund event.

5. Applicant requests (with respect to claim 15) clarification if more is taken by notice than the fact that multiple classes of service of mail delivery are available that may have different service targets regarding delivery. However, Examiner notes that Gullo discloses queuing the request for a designated period, for example, seven days, to check for scan events (This period may be varied, as desired, and may be less than seven days or greater than seven days) (0020). Further, Montgomery teaches storing information for a plurality of postage transactions in a database, wherein information for each postage transaction comprises one or more postage transaction items (such as service class, etc.), a tracking ID and an associated delivery status (0038). Further, Montgomery teaches the postage maybe refunded based on retrieved postage transaction information (0034). Furthermore, the Official Notice was taken to teach that different classes of mail have different delivery periods associated with them, therefore monitoring the mail piece depending on the service class (i.e. delivery period) would be obvious to one of ordinary skill as suggested by the teachings of Gullo and Montgomery.

6. Applicant argues (with respect to claims 7 and 10) that the cited references do not teach or suggest using a PIC code or a postal ID tag. However, Examiner asserts that Montgomery teaches a USPS delivery confirmation code which is used for tracking (see Figure 2).

Applicant's own disclosure discloses, "the PIC code is used to allow certain mailers to track mail pieces as they are processed by various units of USPS mail processing equipment (0095)." Thus, the combination of references suggests using a PIC or postal ID tag or any comparable tracking number code.

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7. Applicant argues (with respect to claim 11) that the cited references do not teach or suggest a refund request that includes a user selection from a list of mail pieces. However, Examiner notes that Montgomery teaches a user interface with a listing of postage transactions (see Figures 25-27). Thus, the combination of references teaches a refund request that includes a user selection from a list of mail pieces.

8. Applicant argues (with respect to claims 16-18) that the cited references do not teach or suggest requests received from a plurality of users. However, Examiner notes that Montgomery teaches a refund eligible inquiry that allows a user or administrator working on behalf of the mail user to poll eligible refund requests, where a user can select the eligible refund requests to send to the USPS (000170-0171, 0174-175, see Figures 26-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo to allow an administrator in charge of user accounts to request refunds for more than one user.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims **1, 3-12** and **14-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullo et al., Pub. No. US2004/0044586 in view of Montgomery et al., Pub. No. US2003/0101147 A1, hereinafter referred to as Gullo and Montgomery, respectively.

As per **Claim 1**, Gullo discloses a method for processing a postage refund request for a mail piece comprising:

- receiving a refund request including a tracking identifier from a user system (0015);
- determining if the refund request is valid (0018-0019);
- if the refund request is not valid, initiating a refund error process (0018-0019, also see Figure 2);
- if the refund request is valid, processing the refund request (0019-0020), wherein,
- the determination of whether the refund request is valid includes determining whether the tracking identifier has been observed in a mail stream (0019-0020).

Gullo fails to disclose monitoring the tracking identifier after processing the refund request in order to determine if the mail piece is used after a refund payment. However, Montgomery teaches the postal authority enters the refunded postage transaction into the master tracking computer system, where the delivery status can be checked for six more months...the refunded postage polling module periodically polls the tracking information database to determine if a mail piece associated with any refunded postage transaction has been delivered (0188).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo and include polling the tracking information database to determine if a mail piece has already been delivered as taught by Montgomery, because it allows the system to determine if a mail piece has already been delivered.

As per **Claim 3**, Gullo discloses the refund error process includes a fraud inquiry (0019-0021).

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As per **Claim 4**, Gullo fails to *explicitly* disclose the refund error process includes notifying a postal authority. However, Gullo discloses a system that may be carried out online or by directly going to a local post office. Therefore, when a user receives a refund error from the system (operated by the USPS) they are receiving the notification from the postal authority (Figure 1). Moreover, when a user has their account suspended for suspicion of fraud, they have to contact the local post office to reactivate their account (0021).

As per **Claim 5**, Gullo discloses determining if the mail piece is associated with the user that submitted the refund request (0018).

As per **Claim 6**, Gullo fails to *explicitly* disclose determining if a refund test period has completed; and if the refund test period is not completed, performing another determination of whether the mail piece has been observed in the mail stream. However, Gullo discloses queuing the request for a designated period, for example, seven days, to check for scan events (0019-0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo and include queuing for scan events over a designated period of time, because it allows the system to check multiple scan events over a designated period of time to ensure that there is not an active scan event for the tracking/label number (0019).

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As per **Claims 7-10**, Gullo fails to disclose the tracking identifier includes a 22-digit delivery confirmation PIC code, a PLANET code and a POSTNET code, a postage serial number and a postage meter postage ascending register value, or a postal ID tag. However, Montgomery teaches a method for detecting postage fraud using tracking identifiers. Further, Montgomery discloses tracking identifiers being one or two-dimensional barcodes, PLANET or POSTNET codes (0060-0063, see Figures 19-22). Further, Montgomery teaches associating the information based indicium along with the tracking identifier, where the IBI contains ascending register value, license zip, the certificate serial number, etc. (0080, 0096, also see Table 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo and provide a tracking identifier that includes various codes and pertinent information as taught by Montgomery, because it allows the system to associate a plurality of information associated with the mail piece when attempting to track the mail piece through the mail stream.

As per **Claims 11-12 and 16-18**, Gullo discloses sending the refund request to the postal authority (see Figure 1). Gullo fails to disclose processing the refund request includes aggregating a group of valid refund request associated with a postage broker, processing the refund request includes aggregating a group of valid refund requests received from a plurality of users and sending a group refund request associated with the aggregated group of valid refund request to a postal authority, sending aggregated refund request data to the postage broker. However, Montgomery teaches a refund eligible inquiry that allows a user or administrator working on behalf of the mail user to poll eligible refund requests, where a user can select the

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eligible refund requests to send to the USPS (000170-0171, 0174-175, see Figures 26-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo and allow a user to choose from a plurality of postal transaction to select the transactions that require a refund in order to send to the postal authority as taught by Montgomery, because it allows a user to select the correct transaction or transactions from a plurality of transactions and more efficiently process the refund requests in order to minimize the refund return around time.

As per Claim 14, Gullo discloses the refund test period is variable (0020).

As per Claim 19, Gullo discloses the tracking identifier is unique over a first period of time (0015).

As per Claims 20-22 Gullo discloses a method for processing a postage refund request for a mail piece comprising:

- receiving a refund request including a tracking identifier from a user system (0015);
- determining if the refund request is valid (0018-0019);
- if the refund request is not valid, initiating a refund error process (0018-0019, also see Figure 2);
- if the refund request is valid, processing the refund request (0019-0020), wherein,
- the determination of whether the refund request is valid includes determining whether the tracking identifier has been observed in a mail stream (0019-0020).

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Gullo fails to *explicitly* disclose receiving a plurality of refund requests from each of a respective plurality of user systems. However, Gullo discloses receiving a user request. The system of Gullo however is capable of receiving more than refund request. Further, Montgomery teaches a user interface which lists multiple transactions in which a user can select (see Figures 25-27). Moreover, Montgomery teaches a device ID that identifies the USPS-assigned ID for each postage vendor, and the user account for which the postage indicium will be issued (0096). Montgomery also teaches that the end user's account balance is securely stored in a centralized postage-issuing computer system (0003). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo and include allowing a plurality of refund requests.

Gullo fails to disclose monitoring the tracking identifier after processing the refund request in order to determine if the mail piece is used after a refund payment. However, Montgomery teaches the postal authority enters the refunded postage transaction into the master tracking computer system, where the delivery status can be checked for six more months...the refunded postage polling module periodically polls the tracking information database to determine if a mail piece associated with any refunded postage transaction has been delivered (0188). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo and include polling the tracking information database to determine if a mail piece has already been delivered as taught by Montgomery, because it allows the system to determine if a mail piece has already been delivered.

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11. Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gullo, Pub. No. US2004/0044586 A1 in view of Official Notice.

As per **Claim 15**, Gullo fails to disclose the variable length of the refund test period depends upon the class of service of the mail piece. However, Examiner takes Official Notice that different mail service classes vary in the amount of time to deliver the mail item. For example, priority mail might take one day to deliver an item, while second class mail may take three to five business to deliver an item. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Gullo and queue the refund request for a designated time period associated with the mail item class, because it would allow the system to process scan events for a more suitable time period to maximize retrieving scan events of the mail item.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

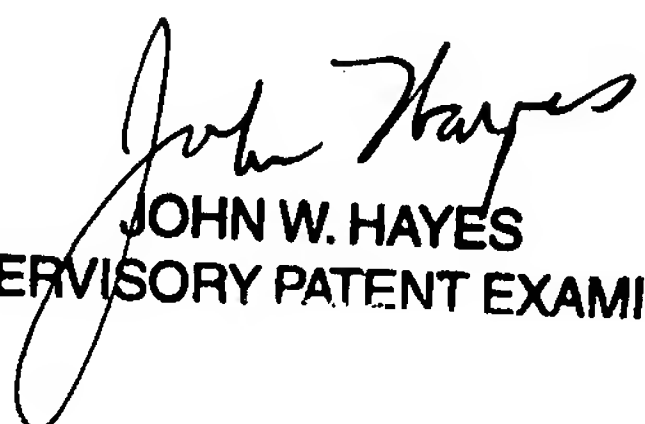
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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER